

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MARVIN HOLMES,

Plaintiff,

22 **CIVIL** 6388 (MKV)(SN)

-against-

**JUDGMENT**

MARK MILLER, Superintendent, Green Haven  
Correctional Facility,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Order dated August 8, 2023, the Court adopts the Report & Recommendation in its entirety as the opinion of the Court. The habeas corpus petition is DENIED. Finding that Mr. Holmes has not demonstrated a denial of a constitutional right, a certificate of appealability is DENIED. The Court further certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and *in forma pauperis status* is therefore denied for the purpose of an appeal. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962); accordingly, the case is closed.

**Dated:** New York, New York  
August 08, 2023

**RUBY J. KRAJICK**

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Clerk of Court

BY:



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Deputy Clerk